

REMARKS

Claims 1-37 are pending as of the final action mailed April 14, 2008.

Claims 1-2, 5-6, 22, 33, 35-37 are being amended. Support for the amendments can be found in, for example, in pages 7-8 of the specification.

Claims 32, 34 have been cancelled. New claims 38 and 39 have been added.

Reconsideration is respectfully requested in view of the above amendments and the following remarks.

§ 112 SECOND PARAGRAPH REJECTIONS

Claims 22, 32, 33, and 34 were rejected under 35 USC § 112, second paragraph, as allegedly being indefinite. The rejections are respectfully traversed.

Claims 22 and 33 recite first and second networks from which instruction data and digital broadcast data, respectively, are received. Claim 32 depends from claim 22 and recites that the first and second networks are the same. Claim 34 depends from claim 32 and recites that the first and second networks are the same. The Examiner alleges that such recitations are indefinite; the Examiner alleges that it is unclear how the recitation of first and second networks in claims 22 and 33 are possible in light of the recitations of claims 32 and 34 (that the first and second networks are the same).

The Applicant respectfully disagrees. Designation of a first network and a second network does not necessitate that the networks are different. The designation of “first” and “second” can be used to make conceptual distinctions and not necessarily physical distinctions.

However, to expedite prosecution, claims 32 and 34 have been cancelled, and new independent claims 38-39 are being added.

§ 102 REJECTIONS

Claims 1-2, 6-37 were rejected under 35 USC § 102(b) as being allegedly anticipated by Yamada (US 6,929,549). The rejections are respectfully traversed.

Claim 1 is being amended to recite that the processor is further operable “to execute the set-top client instruction data and the set-top game instruction data to emulate a set-top box on

the gaming console.” For example, the set-top game instruction data can relate to a “game” of decoding a digital data stream and displaying the decoded data; the gaming console runs the set-top game instruction data as if it is typical game instructions for the gaming console, but the set-top game instruction data makes the gaming console emulate (e.g., behave like) a set-top box and perform operations associated with set-top boxes. See specification, pages 7-8.

The Applicant respectfully submits that Yamada does not disclose or suggest this feature. Yamada discloses a game machine and a set-top box. The set-top box receives game software information from a game provider in a digital satellite broadcasting signal, and descrambles the signal to store the game software information. The set-top box sends the game software to the game machine for execution at the game machine. The game machine performs its expected functions (e.g., executing game software) and the set-top box performs its expected functions (e.g., receiving, descrambling, and storing game software information). Yamada does not disclose or suggest that the game machine runs instructions that the game machine treats as typical game instructions but which actually makes the game machine emulate a set-top box. Likewise, though not relevant to this discussion, Yamada does not disclose or suggest that the set-top box runs instructions that the set-top box treats as typical set-top box instructions but which makes the set-top box emulate the game machine. Thus, claim 1 is not anticipated by Yamada.

Claim 2 depends from claim 1, and is in condition for allowance for at least the reasons stated above with respect to claim 1.

Claim 6 is being amended to recite “executing the set-top instruction data on the gaming console to emulate a set-top box on the gaming console,” including receiving and decoding digital broadcast data, and displaying the decoded digital broadcast data.

As described above, Yamada does not disclose or suggest that its game machine emulates a set-top box or executes instructions to emulate a set-top box. Thus, claim 6 is in condition for allowance. Further, claims 7-21 depend from claim 6, and are in condition for allowance for at least the reasons stated above with respect to claim 6.

Claim 22 is being amended to recite, if the received instruction data is set-top instruction data, “executing the set-top instruction data on the gaming console to emulate a set-top box on the gaming console,” including receiving, decoding, and displaying digital broadcast data. New

claim 38 also recites this feature. As described above, Yamada does not disclose or suggest that its game machine emulates a set-top box or executes instructions to emulate a set-top box. Thus, Applicant respectfully asserts that claims 22 and 38 are in condition for allowance. Further, claims 23-31 depend from claim 22, and are in condition for allowance for at least the reasons stated above with respect to claim 22.

Claim 33 is being amended to recite "when the set-top instruction data is received by the gaming console from the first network: executing the set-top instruction data on the gaming console to emulate a set-top box on the gaming console." New claim 39 also recites this feature. As described above, Yamada does not disclose or suggest that its game machine emulates a set-top box or executes instructions to emulate a set-top box. Thus, claim 33 and 39 is in condition for allowance.

Claim 35 is being amended to recite a gaming console comprising, in part, a gaming client. The gaming client includes instructions to, if the instruction data is set-top instruction data, load the set-top instruction data for execution to emulate a set-top box on the console. As described above, Yamada does not disclose or suggest that its game machine emulates a set-top box or executes instructions to emulate a set-top box. Thus, claim 35 is in condition for allowance. Further, claims 36-37 depend from claim 35, and are also in condition for allowance for at least the reasons stated above with respect to claim 35.

§ 103 REJECTIONS

Claims 3-5 were rejected under 35 USC § 103(a) as being allegedly unpatentable over Yamada. The Applicant respectfully traverses the rejection. Claims 3-5 depend from claim 1, and are thus in condition for allowance for at least the reasons stated above with regard to claim 1.

CONCLUSION

For at least the foregoing reasons, the applicant submits that the pending claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly

Applicant : Daniel Willis
Serial No. : 10/775,195
Filed : February 11, 2004
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addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

The fee for additional independent claims in the amount of \$420 is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization.. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 14 July 2008

Andrew Leung
Andrew H. Leung
Reg. No. 55,374

Customer No. 26192
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071